

PROB 12B  
(793)

Report Date: August 31, 2010

**United States District Court**FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

SEP 01 2010

**Eastern District of Washington**JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing Is Attached)

Name of Offender: Miguel Angel Herrera-Zurita Case Number: 2:09CR02112-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 2/17/2010 Type of Supervision: Supervised Release

Original Offense: Possession of False Identification Documents, 18 U.S.C. § 1028 Date Supervision Commenced: 2/17/2010

Original Sentence: Prison - 92 Days; TSR - 12 Months Date Supervision Expires: 2/16/2011

**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 15 You shall complete 30 hours of community service work, at the rate of not less than 15 hours per month at a not-for-profit site approved in advance by the supervising probation officer. The hours are to be completed in full no later than 11/31/2010.
- 16 You shall undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.
- 17 You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances.
- 18 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

**CAUSE**

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**Re: Herrera-Zurita, Miguel Angel**  
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On August 25, 2010, Yakima police officers were dispatched to the area of North Sixth Avenue and Fairbanks Avenue in the city of Yakima, Washington, in reference to subjects fighting. Once officers arrived at the location, the subjects began to flee the scene. Some of the subjects were apprehended, including Mr. Herrera-Zurita, who was identified as one of the fighters. Upon contact with Mr. Herrera-Zurita, the arresting officer reported he could smell a strong odor of intoxicants coming from the defendant's person. Mr. Herrera-Zurita advised the police officer he was 'jumped' by someone a few blocks away. Mr. Herrera-Zurita was bleeding from the face and had scratches all over his chest and back. The defendant's eyes were watery and bloodshot and he spoke with a slurred speech. According to the officer's report, the defendant was having difficulty walking in a straight line. Prior to the defendant being placed in the back of the police vehicle, he had to lean against the trunk of the car to help him balance. Mr. Herrera-Zurita was issued a criminal citation for minor exhibiting the effects of alcohol in public and was subsequently booked into the Yakima City Jail.

On August 30, 2010, Mr. Herrera-Zurita posted bail and was released from custody. On August 31, 2010, Mr. Herrera-Zurita went to Casa de Esperanza and obtained a drug and alcohol evaluation. The defendant has agreed to participate in recommended treatment. Additionally, the defendant has also agreed to the modified conditions as noted above. The attached waiver and hearing to modify conditions of supervised release was reviewed with Mr. Herrera-Zurita. He was advised of the potential impact this modification could have on his supervision, and he acknowledged this understanding verbally and with his signature.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/31/2009

s/Jose Zepeda

Jose Zepeda  
U.S. Probation Officer

#### THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other



Signature of Judicial Officer

9/1/10

Date